

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

JUN - 9 2000

MAILED 1044 JUN 14 2000  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

In the Matter of )  
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Auction of Licenses in the 747-762 and 777-792 )  
MHz Bands Scheduled for September 6, 2000: ) DA 00-1075  
Comment Sought on Modifying the Simultaneous )  
Multiple Round Auction Design to Allow )  
Combinatorial (Package) Bidding )

COMMENTS OF MOTOROLA

Motorola Inc. (Motorola) hereby submits these comments in response to the above-referenced *Public Notice* containing a series of proposals designed to allow for bids on combinations or “packages” of licenses in the 747-762 and 777-792 MHz band.<sup>1</sup> As described in the *Public Notice*, these proposals are applicable only to Auction Number 31, the 700 MHz Band Auction, now scheduled to begin on September 6, 2000. The *Public Notice* did not propose to adopt generic policies that would be applied to all future auctions including Auction Number 33, the 700 MHz Guard Band Auction, also scheduled to begin on that same date.

According to the Commission, “combinatorial bidding” allows bidders to better express the value of any synergies that may exist among various licenses.<sup>2</sup> Motorola takes no position on the merits of the combinatorial bidding proposals and will allow others to comment on their usefulness in the context of the 700 MHz Band Auction. Motorola is concerned, however, that FCC consideration of these and other issues with respect to Auction Number 31 threatens to further delay the commencement of the 700

<sup>1</sup> *Public Notice*, DA 00-1075, May 18, 2000.

<sup>2</sup> *Id.* at 2.

MHz Guard Band Auction. As further discussed below, Motorola strongly urges the FCC to “de-couple” these two auctions so that further FCC consideration of combinatorial bidding proposals and broadcast incumbent relocation issues does not result in further postponement of the 700 MHz Guard Band Auction beyond September 6, 2000.

Since deferring both 700 MHz auctions from early June until September<sup>3</sup>, the FCC has initiated further review on the relevant terms and conditions to enhance the value of the auctionable properties to potential bidders. In addition to the subject *Public Notice*, which addresses the very complex issue of combinatorial bidding, the FCC is also now reviewing the impact of incumbent broadcast stations within the entire 746-806 MHz band and considering possible proposals for encouraging their early migration to other television channels.<sup>4</sup> Also, the FCC has to address 12 petitions for reconsideration of its actions affecting the 700 MHz non-guard band spectrum.<sup>5</sup> Completing these tasks prior to the new August 1, 2000, deadline for submitting short-form applications to participate in these auctions will prove extremely difficult to accomplish. Motorola fears that the complexity of these issues may ultimately result in the FCC considering to further delay the 700 MHz Band Auction.

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<sup>3</sup> See *Public Notice*, DA 00-941, May 2, 2000. See also, *Public Notice*, DA 00-942, May 2, 2000.

<sup>4</sup> See, e.g., *Easing Carrier-Broadcaster Deals in Works for 700 MHz Rulemaking*, Telecommunications Reports, June 5, 2000, at 24.

<sup>5</sup> See *Public Notice*, DA 00-397, February 25, 2000. See also, *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission’s Rules*, WT Docket No. 99-168, *First Report and Order*, FCC 00-5 (released January 7, 2000).

Without conceding the public interest benefits of delaying the 700 MHz Band Auction, the FCC must be careful that it does not unnecessarily link the 700 MHz Guard Band Auction to these considerations. That auction should proceed as scheduled because the issues raised in the context of the 700 MHz Band Auction do not affect the 700 MHz guard band spectrum. First, the combinatorial bidding proposals are not being considered for the 700 MHz Guard Band Auction. Second, there are no pending petitions for reconsideration filed against the FCC's operational rules for the 700 MHz guard band.<sup>6</sup> Third, systems deployed in the 700 MHz guard bands will be of a non-cellular architecture. The resulting site-specific coordination policies imposed by the FCC should allow the Guard Band Managers to be more flexible in the presence of incumbent broadcast stations. By limiting the power and service areas of stations occupying the 700 MHz Guard Bands, the Band Managers should be able to immediately find some usable spectrum in most areas of the country.

And private wireless operators urgently need that spectrum. While the FCC did not allocate the 6 MHz of guard band spectrum for Private Mobile Radio Services, it is highly likely that PMRS operators will be customers of the 700 MHz guard band

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<sup>6</sup> The Association of Public-Safety Communications Officials-International, Inc. did file a Request for Clarification of the *Second Report and Order*'s notification requirement between potential guard band managers and public safety coordinators. Also, a notice of appeal has been filed with the Court of Appeals. *FreeSpace Communications, LLC v. FCC*, Case No. 00-1164 (D.C. Cir., pending). Motorola has filed its intention with the court to intervene in that motion.

managers.<sup>7</sup> As articulated in numerous forums, that industry segment has a need for immediate spectrum relief that the 700 MHz guard band spectrum can help satisfy.<sup>8</sup>

Finally, proceeding with the 700 MHz Guard Band Auction as scheduled will have a positive impact on the 700 MHz public safety planning efforts now being conducted. The 700 MHz public safety system deployment will be aided by a better understanding of the likely occupants of the adjacent spectrum in the guard bands. Not only will the technical characteristics of the adjacent band systems be better understood but, also, the coordination process with the Guard Band Managers will be facilitated as the licensing process is expedited.<sup>9</sup>

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<sup>7</sup> *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules*, WT Docket No. 99-168, *Second Report and Order*, FCC 00-90 (released March 9, 2000) at ¶41.

<sup>8</sup> See e.g., *An Allocation of Spectrum for the Private Mobile Radio Services, Petition for Rulemaking*, Submitted by the Land Mobile Communications Council, April 22, 1998.


<sup>9</sup> In response to APCO's request for clarification (*see n. 6 supra*), the Industrial Telecommunications Association stated that Guard Band Managers and public safety frequency coordinators should "work together towards establishing acceptable notification definitions and procedures, *once the auction has been completed and the Guard Band Manager(s) are known.*" Comments of the Industrial Telecommunications Association, Inc., WT Docket No. 99-168, submitted June 1, 2000 at 3 (emphasis in original). Clearly, such discussions cannot begin until the 700 MHz Guard Band Auction has concluded.

In conclusion, Motorola urges the FCC to resolve the pending issues affecting the use of the 700 MHz spectrum in a manner that does not cause further delay in the 700 MHz Guard Band Auction.

Respectfully Submitted,

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June 9, 2000